

Agency, after investigation, to be and by regulations designated as, habit forming, and the label of the repackaged pulvules failed to bear the name and quantity or proportion of such derivative and, in juxtaposition therewith, the statement "Warning—May be habit forming"; and, Section 502 (f) (1), the boxes containing the repackaged pulvules bore no labeling containing directions for use.

DISPOSITION: December 14, 1948. A plea of guilty having been entered, the court imposed a fine of \$300.

2695. Misbranding of amytal and acetyl-salicylic acid capsules, nembutal sodium capsules, and benadryl hydrochloride capsules. U. S. v. Richard C. Miller (Miller's Rexall Drug Store). Plea of nolo contendere. Fine, \$500. (F. D. C. No. 25327. Sample Nos. 26395-K, 27008-K, 27022-K.)

INFORMATION FILED: December 4, 1948, Eastern District of Missouri, against Richard C. Miller, trading as Miller's Rexall Drug Store, Macon, Mo.

INTERSTATE SHIPMENT: Between the approximate dates of June 20, 1947, and March 9, 1948, from the States of Indiana, Illinois, and Michigan, into the State of Missouri.

LABEL, WHEN SHIPPED: "Pulvules Amytal and Acetyl-Salicylic Acid [or "Capsules Nembutal Sodium" or "Kapseals Benadryl Hydrochloride"] * * * Caution—To be dispensed only by or on the prescription of a physician."

ALLEGED VIOLATION: On or about April 15, 24, and 26, 1948, while the capsules were being held for sale after shipment in interstate commerce, the defendant caused a number of capsules of the articles to be removed from the bottles in which they had been shipped, to be repacked into boxes, and to be sold to various persons without a prescription, which acts of the defendant resulted in the capsules being misbranded. The repackaged capsules were labeled "Aspirin & Amytal," "Nembutal," and "Benadryl."

NATURE OF CHARGE: Misbranding, Section 502 (b) (1), the labels of the repackaged capsules bore no statement containing the name and place of business of the manufacturer, packer, or distributor; Section 502 (b) (2), they bore no statement of the quantity of the contents; Section 502 (d), the capsules of the articles other than the *benadryl hydrochloride capsules* were drugs for use by man and contained a chemical derivative of barbituric acid, which derivative has been found by the Administrator of the Federal Security Agency, after investigation, to be and by regulations designated as, habit forming, and the labels of the repackaged capsules of such articles failed to bear the name and quantity or proportion of such derivative and, in juxtaposition therewith, the statement "Warning—May be habit forming"; and, Section 502 (f) (1), the boxes containing the repackaged capsules bore no labeling containing directions for use.

DISPOSITION: May 23, 1949. A plea of nolo contendere having been entered, the court imposed a fine of \$500.

2696. Misbranding of Dr. Miller's Nesoil, Dr. Miller's Laxative Herbs, Dr. Miller's Deterg-All, Dr. Miller's Aspirin, Dr. Miller's Cascara Compound, and Dr. Miller's Laxative Pills. U. S. v. National Chemical Co. and William H. Dalton and Orland M. Dalton. Pleas of guilty. Fines of \$40 against company and \$17.50 against each individual, together with costs. (F. D. C. No. 25576. Sample Nos. 18760-K to 18762-K, incl., 18764-K, 18766-K, 18774-K.)